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Paper No. 11

In re Application of
MCDANIEL, DAVID
Appl No.: 09/819,082
Filed: February 15, 2001
For: PROCESS FOR INHIBITING ACTIVITY
REDUCING SIZE & DESTROYING GROWTH
OF SEBACEOUS GLAND
Attorney Docket Number: 509582000210

**DECISION GRANTING
PETITION
37 CFR 1.181**

This application is before the Director of Technology Center 3700 for reconsideration of the Notice of Abandonment mailed June 15, 2004 for failure to timely reply to the office mailed December 3, 2003. In view of petitioner's comments in the paper submitted March 21, 2005, the request is treated as a petition to withdraw of the holding of abandonment pursuant to 37 CFR 1.181 based on non-receipt of the office action. No fee is required for this petition.

The petition is granted.

A review of the file history indicates that a Change of Correspondence Address was filed on August 29, 2003, but was not entered until after the Office Action of December 3, 2003 was mailed. Therefore the office action in question was not mailed to the proper address of record. Also, in support of the request, petitioner has provided a showing of non-receipt of the Office action in accordance with MPEP 711.03(c)IA.

In view of the above, the Notice of Abandonment mailed June 15, 2004 is hereby vacated and the holding of abandonment is withdrawn. The application will be forwarded to the Technical Support Staff to return the application to an active status and to remail the office action of December 3, 2003. The statutory period that was originally set forth in the office communication will be restarted to run from the mail date of the newly supplied office action.

Richard A. Bertsch, Director
Technology Center 3700